

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

<b>ERNEST RECE DALE BURBAGE,</b>	:	<b>Civil No. 1:18-cv-1160</b>
	:	
<b>Petitioner,</b>	:	
	:	
<b>v.</b>	:	
	:	
<b>COMMONWEALTH OF</b>	:	
<b>PENNSYLVANIA,</b>	:	
	:	
<b>Respondent.</b>	:	<b>Judge Sylvia H. Rambo</b>

**ORDER**

Before the court is a report and recommendation of the magistrate judge (Doc. 4) in which he recommends that Petitioner Ernest Burbage's petition for a writ of habeas corpus filed pursuant to 28 U.S.C. § 2254 be dismissed without prejudice. Burbage has not filed any objections. After consideration of the report and recommendation as well as the applicable law, **IT IS HEREBY ORDERED** as follows:

- 1) The report and recommendation is **ADOPTED**.
- 2) The petition for a writ of habeas corpus is **DISMISSED** without prejudice.
- 3) The court declines to issue a certificate of appealability for the reasons set forth in the report adopted by this order.
- 4) The Clerk of Court shall close this case.

\_\_\_\_\_  
s/Sylvia H. Rambo  
SYLVIA H. RAMBO  
United States District Judge

Dated: July 16, 2018